

**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL (Large Entity)**

Submit an original, and a duplicate for fee processing.

Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

35294.3.5.2

☐ **DUPLICATE** (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

TREADWAY

Peter D. Mulcahy

1713

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/378,318 filed on 20 August 1999 and entitled:

COATING COMPOSITION YIELDING ABRASION-RESISTANT TINTABLE COATINGS

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. ☐ An Information Disclosure Statement (IDS) is enclosed:
- a. ☐ PTO-1449
- b. ☐ Copies of IDS Citations
6. ☒ The fee for this application is calculated as follows:

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	2	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$740.00
TOTAL FILING FEE					\$740.00

07/11/2002 CNGUYEN 00000074 09378318

02 F131

740.00 UP

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(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. 061910

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$740.00 is enclosed.

9. ☒ Also enclosed:
Petition for Extension of Time



10. ☒ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))



NOTES

Submit an original, and a duplicate for fee processing.

FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated:

8 JUL 2002

Signature

Philip M. Goldman

Typed or printed name

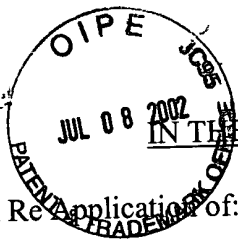
31,162

Registration Number (if applicable)

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- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record

cc:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Treadway

Serial No. 09/378,318

Filed: 20 August 1999

For: COATING COMPOSITION YIELDING
ABRASION-RESISTANT TINTABLE
COATINGS

To: Commissioner for Patents
Box CPA
Washington, D.C. 20231

Atty. Docket 35294.3.5.2

Art Unit: 1713

Examiner: P. Mulcahy

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PRELIMINARY AMENDMENT

This is in support of the enclosed Continued Prosecution Application and in response to the Office Action mailed 06 March 2002, the period for response to which has been extended to 06 July 2002 by the accompanying Petition for Extension of Time.

Remarks

Claims 1-18 remain pending and rejected under Section 112, 2nd paragraph, and Section 103(a).

The rejection under Section 112, second paragraph, is respectfully traversed. As described previously, the terms "hydrolysis product ... alkoxysilane" and "unhydrolyzedalkoxysilane", are considered to be both clear and proper under the circumstances. A preferred composition of the present invention affirmatively includes both hydrolyzed and unhydrolyzed epoxy-functional alkoxy silanes. While the "hydrolysis product" of such a silane can certainly include compounds that are themselves *partially* hydrolyzed (depending on the mole ratio of water to alkoxy groups), an unhydrolyzed silane of the sort claimed is clearly one that is prepared and used in the absence of water. The specification itself teaches the manner in which water is removed from the hydrolysis product component, prior to the addition of an unhydrolyzed component, in order to permit the latter to retain its unhydrolyzed nature. See, for instance, the examples in which the partially hydrolyzed component is stripped of volatiles (including water) prior to being combined with the unhydrolyzed component.

In response, the Action simply maintains that "a partially hydrolyzed compound would fall within the scope" of the current claims. As explained in greater detail below, given the context in which the term "partially hydrolyzed" arises in the cited art, it is not at all suggestive